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ABSTRACT

The conference on sex discrimination in employment practices was held at the University of California at Los Angeles in cooperation with the Women's Bureau of the Department of Labor. Speeches included: (1) "New Legislation--New Action" by Rosalind K. Loring and William Foster, (2) "Compliance Policies and Procedures for Business and Industry" by Elizabeth J. Kuck, (3) "Federal Contract Compliance and Affirmative Action Programs" by Vincent MaCaluso, (4) "Realities of Women's Current Position in the Labor Force" by Mary Dublin Keyserling, and (5) "Next Steps" by Rosalind K. Loring. A question and answer session on further interpretations of laws and orders and discussion highlights from four group discussions are also included. (BC)

A REPORT FROM THE CONFERENCE □ THURSDAY, SEPTEMBER 19, 1968, UCL

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SEX DISCRIMINATION IN EMPLOYMENT PRACTICES

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Presented by Daytime Programs, University Extension, University of California at Los Angeles, in cooperation with Personnel and Industrial Relations Association, Inc., and the Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor.

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SEX DISCRIMINATION IN EMPLOYMENT PRACTICES

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A REPORT FROM THE CONFERENCE

Held at University Extension, University of California at Los Angeles in cooperation with Personnel and Industrial Relations Association, Inc., and Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor.

PREFACE

We have made great strides, as a nation, in reducing discrimination in employment on the basis of sex through enactment of a body of legislation beginning with the Equal Pay Act of 1963 and including title VII of the Civil Rights Act of 1964. Executive Order 11375, signed by President Johnson in October 1967, which requires Government contractors and subcontractors to take affirmative action to eliminate sex discrimination, also marked a very significant step forward.

Progress depends not only on the enactment of laws and the issuing of regulations but also on the mutual understanding of the potential benefits of this action to workers, especially women, and to employers.

Three organizations, sharing this view, were responsible for the conference: the University Extension, University of California at Los Angeles; the Personnel and Industrial Relations Association, Inc.; and the Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor.

The number of persons who contributed their time and talents to the conference is large. The work of the conference committee in planning the meetings was outstanding. Warmest appreciation goes to its chairman, Mrs. Rosalind K. Loring, coordinator, daytime programs and special projects, University Extension, UCLA, and to its members, Mr. William Foster, cochairman, personnel manager, Del Mar Engineering Laboratories; Mrs. Bobbie Devine, industry group coordinator, general supervisor, personnel, North American Rockwell Corp., Aerospace and Systems Group; Miss Mary Lou Pyle, conference secretary, personnel manager, General Instrument Corp.; and Mrs. Claire Malis, conference reporter, program assistant, daytime programs and special projects, University Extension, UCLA. Special thanks are due Mrs. Devine for her devotion and hard work in assembling the invaluable kit materials (with the assistance of PIRA) distributed to conference participants.

Particular thanks are accorded Mrs. Mary Dublin Keyserling who, as Director of the Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor, contributed much to the success of the conference through her wise counsel and generous cooperation. Acknowledged gratefully, too, is the support and guidance of Mr. William Foster, which greatly enlarged the interest in the conference topic on the part of many personnel people. Appreciation is expressed also to Commissioner Elizabeth J. Kuck, Equal Employment Opportunity Commission; Mr. Vincent Macaluso, Assistant Director, Office of Federal Contract Compliance, EEO; and to their local staffs who contributed much to the success of the conference. Artwork for this report was contributed by Mr. John Smith, staff artist, University Extension, UCLA, and photos are courtesy of North American Rockwell Corp.

Special recognition is due Mrs. Loring and Miss Susanna de Falla for their excellent work in preparing this report.

The three sponsors feel that this report will enable many, who share their interest and concern in the implementation of nondiscrimination measures, to benefit from the ideas expressed at the conference. It is their hope, too, that the report will help stimulate other groups throughout the country to call similar conferences and so enhance the fuller utilization of the Nation's womanpower.

The *Second Annual Report* of the Equal Employment Opportunity Commission (1967) states that:

Of the charges within EEOC's jurisdiction, discrimination because of sex was cited in 24 percent of the cases.

Of all matters received and analyzed, 2,003 alleged discrimination cases were based on sex. The nature of the problem was as follows:

Hiring		375
Men	32	
Women	343	
Discharge		232
Compensation		265
Terms		426
Conditions		216
Classification		355
Miscellaneous (testing, referral, training, advertising, retaliation, etc.)		134

CONFERENCE PERSONNEL

CONFERENCE COMMITTEE

Rosalind K. Loring, Chairman
Coordinator, Daytime Programs and Special Projects, University Extension, UCLA.
William Foster, Cochairman
Personnel Manager, Del Mar Engineering Laboratories.
Bobbie Devine, Industry Group Coordinator
General Supervisor, Personnel, North American Rockwell Corp., Aerospace and Systems Group.
Mary Lou Pyle, Conference Secretary
Personnel Manager, General Instrument Corp.
Claire Malis, Conference Reporter
Program Assistant, Daytime Programs and Special Projects, University Extension, UCLA.

DISCUSSION SESSION LEADERS

Group I: Government Contractors
Bobbie Devine, General Supervisor, Personnel, North American Rockwell Corp., Aerospace and Systems Group.
William S. Rule, Corporate Manager, Employee Relations, The Garrett Corp.
Group II: Consumer Products
Janice E. Potter, Personnel Manager, Bullock's Santa Ana.
Carter M. Comaford, Personnel Director, Mattel, Inc.
Group III: Consumer Services
William Belcher, Regional Supervisor, Employment, Trans World Airlines, Inc.
Mary E. Munn, Personnel Representative-Recruitment and Placement, Automobile Club of Southern California.
Group IV: Finance
John F. Curran, Manager, Personnel Services, Union Bank.
Hazel A. Grandchamp, Vice President, Home Savings & Loan Association.

REPRESENTATIVES OF GOVERNMENT AGENCIES PARTICIPATING IN GROUP DISCUSSION SESSIONS

Equal Employment Opportunity Commission (EEOC)
Elizabeth J. Kuck, Commissioner
Preston Wilson, Conciliations Coordinator
Barbara Schlei, Consultant.
Office of Federal Contract Compliance-EEO (OFCC–EEO)
Vincent Macaluso, Assistant Director
Alfred Brothers, Deputy Chief.
Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor
Mary Dublin Keyserling, Director.

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ROSALIND K. LORING received both undergraduate and graduate degrees from the University of California at Los Angeles. Her graduate work includes management and human relations training.

Mrs. Loring is coordinator, Daytime Programs and Special Projects, UCLA. She is also a lecturer and trainer in leadership techniques and discussion leader methods for the University Extension. She has been a staff member of UC Extension since 1956. Her many and varied experiences include developing, producing, and moderating a series of 12 programs for educational television and UC Extension titled: "Choice: Challenge for Modern Women." She has also fulfilled a number of assignments at home and abroad for the U.S. Government.

Her community service includes various offices and consultancies in such groups as the PTA, political and service organizations, interfaith groups, Girl Scouts, and the League of Women Voters.

WILLIAM FOSTER received his high school diploma from Capitol Page School, Washington, D.C., after serving 4 years as a U.S. congressional page. He received his bachelor of science degree in industrial psychology from Wake Forest University, Winston-Salem, N.C.

After completing 4 years in the U.S. Air Force, Mr. Foster joined the public relations department of General Motors Corp., in Detroit, Mich.

Mr. Foster has lived in California since 1955, and is presently manager of personnel and industrial relations for Del Mar Engineering Laboratories, Los Angeles, Calif.

He has been a long-term member of the Personnel and Industrial Relations Association and was elected chairman of district VI of this organization for 1966; PIRA program chairman, 1967; first vice president, 1968. He was elected 1969 president of PIRA in September.

"I believe we will discover that feelings and attitudes about sex have far deeper roots which are more resistant to change than even those attitudes towards race."

"It is the responsibility of those of us in attendance today to assure, with affirmative action, that [the elimination of discrimination] grows to full maturity."

NEW LEGISLATION—NEW ACTION

Rosalind K. Loring, Conference Chairman

Over the past years the University of California at Los Angeles, along with the rest of the community, has become increasingly interested and involved in public issues and concerns. Unfortunately, while here in the university we have been gathering intelligent, knowledgeable resources and research, they have been kept pretty close to our campus. In fact, we have not engaged to any degree in either directly solving community problems or helping other people to solve them. Again, along with other agencies and institutions, we have become very much aware that the university in Westwood exists almost as an island, surrounded by the tumult of other activities going on in the community.

At the same time University Extension, as a university arm, has been reaching out to determine individual and group needs, interests, and problems; and also extending opportunities for people to meet together to talk about crucial issues while receiving pertinent information. Our continuing goal is to give you the time, place, and setting to discuss with each other and with experts in the field ways in which we may continue to work on those problems which affect us all. We are very much interested in dealing with problems which are new and emerging as well as those which have been with us for a long time.

We believe the goals of this particular conference mesh well with the goals of the university and of University Extension. While we do not have on our campus a department labeled "sex," nor do we have an academic discipline entitled "discrimination," I would say that the subject of this conference and of your work really cuts across all of our disciplines and departments. The legislation you will be discussing here today does, in fact, reflect in every discipline and in every subject area. This legislation relating to sex discrimination in employment could not have been developed without years, and in some cases, centuries, of research, of application, of testing, and of evaluation.

There has been much research about the behavior and abilities of men and women. That research has been conducted in the health sciences, in education, in psychology, in sociology. (You'll notice that I have not mentioned the field you probably have the most familiarity with—business administration.) For example, psychologists have said, "Experimenting with 4-year-old children, we've discovered there is no difference in the manual dexterity of little boys and little girls; moreover, we have discovered there is no difference in the interests of little boys and little girls." Little boys, when they're 4, are interested in keeping house, with dishes, baby dolls, buggies, and so forth; and little girls are interested in hammers, construction, and building.

Now we must look at the implications of the research for those little boys and little girls who grew up to be whatever we are here today. We know that we have been working with many assumptions that some work is masculine and some work is feminine. The legislation and the affirmative action programs you'll be discussing today attempt to face those implications and to determine what can be done now.

There is further documentation from another field—the folklore specialists who concentrate upon myth. They tell us that the myths of any culture, including one as sophisticated as ours, come from the assumptions made by people in order to make

themselves more comfortable. Once we have discovered what makes us comfortable, we devise an explanation which substantiates it. Based upon history and the maintenance of some of these myths, as well as theories of eminent psychologists, I think you will find difficulty in implementing the legislation to be discussed today.

I share with you a concern for what's going to happen in the next several years, because our society has well-developed attitudes which are sex designated about roles, behavior, and abilities. Our very behavior—the way you're feeling right now about what I'm saying—is based upon all those established assessments. But we're living in a revolutionary time. All of us have bruises to demonstrate the fact that everyone seems to be in revolt, determined to participate in the decisions which affect them. Much of the pressure for sex discrimination legislation came from women and women's groups who are realizing finally that this moment in history *perhaps* means both equality for everyone and an opportunity to be viewed as an individual. How you as personnel and industrial relations officers are going to carry out that equal opportunity is the reason for this working conference.

Just one other major item—you have become accustomed to working with affirmative action programs relating to race and creed. Now you are being asked to take on another group. I believe we will discover that feelings and attitudes about sex have far deeper roots which are more resistant to change than even those attitudes towards race. It will be an interesting experience for us. Only yesterday, a professor in the law school said, "I'm working on a case right now which involves a Negro woman and her complaint about equal opportunity." He went on, "I only took it because she was black. When I found out that she was not making a claim on the basis of race, but on the basis of sex, I lost interest." Here then is another problem: you're pioneering in this field.

Those of you who work for space firms and are accustomed to pioneering with man in space will find yourself dealing with innerspace, the innerspace of middle-management men, first-line supervisors, and the rest of your personnel.

About a year ago, a newsletter from the Women's Bureau of the U.S. Department of Labor announced the President's Executive Order 11246, putting teeth into the equal employment legislation regarding sex. Bobbie Devine from North American Rockwell agreed that this action was an issue of great interest to a number of people, beginning with Bill Foster, who, as you know, is the incoming president (beginning in January 1969) of PIRA, and your cochairman here today. There's no one I've worked with who's been more supportive and more productive than Bill Foster; he has been interested and available and concerned. Credit for much of the quality of this conference accrues to Bobbie Devine and Bill Foster and their committee.

William Foster, Conference Cochairman

Thank you, Rosalind. This is the informal part of the program and it's also the one that Bobbie Devine wants ended as soon as I can get away, because she's always worried about what I'm going to say; I never clear my remarks with her. One of the funniest things that happened in planning this conference concerns my calendar at the office. I write notes on my secretary's calendar and on my calendar, and then she puts them all together and tells me what I'm going to do the next day. One day I asked her, "What am I going to do tomorrow?" She said, "I'd rather not say." I said, "What do you mean, you'd rather not say? Where's the agenda?" She replied, "It's on your desk with a cover sheet." I said, "What do you mean, a cover sheet?" I went in and removed the cover sheet, and it had listed a 9 o'clock appointment, and a 10 o'clock appointment, and an 11 o'clock appointment. Then it had 12:15 to 3:45 p.m., lunch, North American Aviation, Bobbie Devine, Sex—just as I had written it on her calendar. Then down at the bottom, she had put a footnote, which said, "Mr. F., I only like to know where you are, not what you're doing."

On behalf of PIRA and UCLA, it is my pleasure to introduce to you our guests, the Director of the Women's Bureau, U.S. Department of Labor, Washington, D.C., Mrs. Mary Dublin Keyserling; from the Los Angeles field office of the Equal Employment Opportunity Commission, Mrs. Barbara Schlei and Mr. Preston Wilson; from the Los Angeles Office of Federal Contract Compliance, Deputy Chief Mr. Alfred Brothers; the western regional director of the Women's Bureau, Mrs. Madeline Mixer; the committee behind the scene—Mary Lou Pyle, General Instrument Corp., the conference secretary; Claire Malis, UCLA Extension, our conference reporter; Gene

Bonotaux, North American Rockwell, liaison trouble; and Tonia Gallegos, the new PIRA administrator.

The objectives of the Personnel and Industrial Relations Association are: to advance constructive personnel and industrial relations, policies, and practices; to educate in human relations, methods, and practices; and to gather and circulate relevant information to members of our association. We feel that this conference envelops all of these objectives. We hope you are authorities, at the end of the day, on the new role that we will be playing as administrators in the sex discrimination area.

We must all agree that the elimination of discrimination based on sex is past the embryonic stage and into infancy. It is the responsibility of those of us in attendance today to assure, with affirmative action, that it grows to full maturity.

ELIZABETH J. KUCK attended the University of Minnesota and the University of Wisconsin, and did graduate work at the University of Chicago and the Illinois Institute of Technology.

From 1941 to 1967, she was with International Harvester Co., first as women's supervisor at the International Harvester Women's Tractor Works in Chicago, then as chief supervisor of women at the Harvester War Depot in Toledo. She returned to Chicago as employment supervisor, then as general supervisor of special personnel services, and finally as supervisor for personnel policies and procedures.

Miss Kuck was nominated by President Johnson as Commissioner of the United States Equal Employment Opportunity Commission on January 9, 1968, and took her oath of office on March 15.

Miss Kuck is one of 20 members-at-large of the National Delegate Assembly of the National Urban League. She is also a member of the advisory committee to the Illinois Fair Employment Practices Commission; the executive board of the Chicago Industrial Relations Association; Women in Personnel; and the National Defense Executive Reserve of the U.S. Department of Labor.

*"We are fully cognizant * * * that the greatest contributions can and should be made on a voluntary basis by private employers, labor unions, and employment agencies. * * * the private sector of our economy lags behind what it should do in the way of defining what* kinds of work *women* can do."

COMPLIANCE POLICIES AND PROCEDURES FOR BUSINESS AND INDUSTRY

Elizabeth J. Kuck, Commissioner, Equal Employment Opportunity Commission

It is a great pleasure to be able to participate in this conference on sex discrimination in employment. I am pleased that so many of you are interested in the subject.

As you know, I am privileged to serve as a member of the Equal Employment Opportunity Commission, which has a congressional mandate under title VII of the Civil Rights Act of 1964 to eliminate, among other things, employment discrimination based on sex where engaged in by private employers, labor organizations, and employment agencies.

No other area of the Commission's responsibility has been the butt of so many jokes nor has been quite as controversial as that pertaining to sex discrimination, and yet it is something that affects every family in the Nation in some way.

I would like to think that you are all here today because you recognize the extent of that discrimination as it affects employment and that you have an abiding concern for the inferior treatment which so frequently has been inflicted on working women. Realist that I am, however, I think you are primarily interested in my reviewing with you some of the Commission's rulings relating to this field, and suggesting ways to eliminate or reduce the number of charges of sex discrimination brought against companies.

I should like to preface my remarks by saying that, obviously, the first step in developing effective policies and procedures for compliance with title VII as it relates to sex discrimination is to get people to recognize the nature and scope of the problem. I am sure that all of you here are familiar with the statistics that, although almost half of the women in America work, less than 1 percent of them earn $10,000 or more a year. This figure would have been sad at any time, but when one considers the ever-increasing number of highly talented women in the labor market today, both those right out of school and those reentering the market after raising children, and couples this fact with our exploding general affluence, the figure is scandalous.

Unfortunately, the business world is too often guilty of acting upon the tired old notion that most women work for pin money. While this may be true for the fortunate few, in general women work in increasing numbers today because their earnings are important to the well-being of their families, rather than because they are seeking something more interesting or stimulating to do than housework.

Along with its need to discard the old thinking about why women work, the Commission has found that the private sector of our economy lags behind what it should do in the way of defining *what kinds of work* women *can do*. Most of you are aware of the fact that America's executive suites continue to be almost all male, and that most women applicants for professional jobs are still asked about their typing and shorthand abilities, no matter what their educational achievements.

From its very beginning, the area of sex discrimination has provided considerable work for the Commission. In its first year of operation, one-third of the cases were charges of alleged sex discrimination and today they comprise one-fourth of the caseload, second only to the area of racial discrimination. This last year—from June 1967 to July 1968—there were some 2,410 sex discrimination charges. Of this group the largest number

related to compensation and terms of employment; the balance were in connection with hiring, discharge, conditions, classification, etc. While some of these charges alleged discrimination on the part of unions and employment agencies, the overwhelming majority were against employers.

What is the Commission doing to help correct some of the inequities that have such an impact on sex discrimination in employment?

As you know, title VII provides for filing with the Commission charges of employment discrimination against private employers, employment agencies, and labor unions. These charges are investigated, and after careful consideration a determination of cause or no cause is made by the Commissioners.

In 12 States and the District of Columbia, where there is sex coverage in the laws, the Commission would defer the case alleging sex discrimination in employment to the State or District before getting involved, but in the rest of the States we act directly.

Many of these cases have prompted the formulation of basic rules and guidelines which have helped to clarify the Commission's position with relation to major areas of concern in sex discrimination in employment. As you realize, in this area we are dealing with a completely new body of law, and it is a challenging experience.

Let me review with you some of the more important rules that have been issued to date and their significance for you as employers.

In the case of *Job Classification and Seniority Lines*, the Commission has stated that generally the maintenance of separate jobs for men and women or separate seniority lines based on sex is unlawful.

Do you still have jobs or seniority lines classified that way? If you do and it is not a bona fide occupational classification, change it if you don't want a charge filed against you.

Title VII does provide, of course, for exceptions where the employment of members of one sex is reasonably necessary to the normal operation of a particular business or enterprise, such as women to model women's clothes. In such cases, sex is termed a bona fide occupational qualification for the job, and you can hire women exclusively for it, or vice versa depending on the job in question. I must warn you though that the Commission has found that jobs for which sex is a bona fide occupational qualification are very limited. A striking example of this was the position of flight cabin attendant. The Commission stated that sex would not be a bona fide occupational qualification for a job when the basic duties of the job can be performed satisfactorily by either sex.

It is important to keep in mind, in connection with cases of this kind, the Commission's basic thinking which it has stated on numerous occasions; namely, "The principle of nondiscrimination in employment requires that applicants be considered on the basis of individual capabilities and not on characteristics generally attributed to a group."

Retirement Age and Pension Benefits—Early this year the Commission issued guidelines stating that employers must provide for male and female employees equal privileges with regard to optional and compulsory retirement age. The Commission will decide on a case-by-case basis the question of pension benefits which differ on the basis of sex.

The majority of companies in the country have taken action to comply with this provision. However, a few have taken issue with us and legislation has been introduced to try to overrule us. I learned this morning that a vote is to be taken today in the Senate on this matter.

State Protective Legislation—Many States have laws which limit the type of jobs women may hold, the hours they may work, and the weight they may lift. Some of the laws further prescribe additional conditions of employment such as seating, restroom facilities, lunch and rest periods, minimum and overtime pay.

The Commission has ruled that where a State law provides for exemptions to restrictions on the employment of women, the employer is obligated to apply for them and cannot use such law as an excuse for not employing women.

Prior to February 1968, the Commission had not decided cases where there was a conflict and exemptions were not available or could not be secured. The Commission referred the charging parties in such cases to the courts. Some very interesting cases have been filed. One of these cases was decided September 19th here in California. The decision in that case would tend to support the theory that title VII supersedes the State law; however, the judge's written decision is not yet available, so without having studied it, I am not in a position to state specifically what impact it will have on State protective legislation. In February of this year, the Commission issued guide-

lines stating that it would decide such matters from then on, on a case-by-case basis, after all the facts in the case and views of relevant State authorities had been considered.

Employers should be aware of the pitfalls of too great a reliance on State protective legislation. I have already mentioned to you the litigation concerning possible conflicts between title VII and such statutes which obviously makes reliance on them (excepting a job having a valid bona fide occupational qualification) hazardous. Another problem in this area is where employers read protective legislation into existence where none exists. We held against an employer, for example, where it relied on weight limit *standards* published by a State department of labor to exclude women from certain jobs although that State's labor laws contained no provisions limiting the weight women could lift.

In another case where State protective legislation prohibited women working more than 8 hours a day or during certain hours, we held against an employer who refused supervisory positions to women in reliance on this statute. Investigation revealed that more than half of the employer's supervisors did not work hours that conflicted with this statute; therefore, we held that the company's policy was an unlawful limitation on the employment opportunities of its female employees.

We also are often confronted with cases dealing with the old problem of women not receiving equal pay for equal work. For example, an electronics plant had a predominantly male assembly department where the wages were substantially higher than in a mostly female subassembly department. Investigation of this situation, after a charge brought by a subassembly female employee, indicated that the work was so similar in the two departments as to make the wage differential unjustifiable. Similarly, we found that a retail store which paid a much larger salary to its male fitter tailor than to its female fitters was violating title VII, since the females also performed the great majority of the tasks which allegedly justified the male's higher salary.

Classified Advertising—The Commission has recently received considerable newspaper publicity by reason of its most recent ruling relating to classified advertising. Effective December 1 the placement of job advertisements under separate male and female column headings will violate the law unless sex is a bona fide occupational qualification of the position advertised.

These are some of the areas to which the Commission has given considerable thought. In addition, the Commission has conducted hearings, public and private, with interested groups to review their employment picture. Followup visits to individual companies have been made in some areas, and we are optimistic about what will be accomplished. We feel that in the future our guidelines and case decisions will help in the elimination of sex discrimination. We are fully cognizant, however, that the greatest contributions can and should be made on a voluntary basis by private employers, labor unions, and employment agencies. While the processing of individual complaints helps to correct some inequities, it is a slow process and one frequently upsetting to all of the parties involved.

As I have indicated, the cases filed with the Commission have been varied and numerous to date, and I have reason to believe that this pattern will continue for some time.

It is apparent that management is and will continue to be faced with many challenging situations in this area. Under the circumstances, it is important to emphasize the desirability of managers' reexamining their employment practices in light of the Commission's guidelines.

Coming as I do from industry, I am aware of some of the problems confronting managers in implementing this phase of the law. Frequently, I am sure, management is not conscious of the fact that it is discriminating but, on the other hand, there are some who wish to maintain the status quo.

I am also well aware that women have a responsibility in this area. As the old saying goes, "We can't have our cake and eat it too." With rights go responsibilities. The majority of working women recognize this and are asking simply for the opportunity to prove it. Will business and industry give it to them? I sincerely hope so.

VINCENT MACALUSO attended Yale University, received his law degree at George Washington University School of Law, and completed his graduate study at Cornell University.

Mr. Macaluso served as attorney-adviser to board members of the National Labor Relations Board, and has held various positions in labor relations and labor law with American Bosch-Arma Corp. and Western Electric Co. From 1958–63 he was lecturer in economics and business administration at Long Island University, after which he became executive secretary to the President's Advisory Committee on Labor-Management Policy. In 1963 he was appointed special assistant to the executive vice chairman, President's Committee on Equal Employment Opportunity.

In October 1965, Mr. Macaluso was appointed Assistant Director of the Office of Federal Contract Compliance (Equal Opportunity Office), U.S. Department of Labor, his present position.

*"We look to contractors to overcome * * * deficiencies in part with their training programs. Here too we will expect progressive programs with timetables and reasonable goals."*

FEDERAL CONTRACT COMPLIANCE AND AFFIRMATIVE ACTION PROGRAMS

Vincent Macaluso, Assistant Director, Office of Federal Contract Compliance (EEO)

In October 1968, our Office will add sex discrimination to other forms of discrimination banned under the President's Executive Order 11246 requiring Government contractors and subcontractors to take affirmative action to achieve equal employment opportunity. Antidiscrimination regarding race, color, creed, and national origin has been part of Federal procurement policy since 1941. Every President has issued such an order, and the trend has been toward stronger orders. Now programs to take affirmative action to eliminate sex discrimination will assume their place alongside programs to eliminate the other forms of banned discrimination.

Our Office was established by the Secretary of Labor to carry out his responsibilities under the current Executive order. We provide policy guidance for and review the compliance programs of the Federal contracting and administering agencies, who have the primary responsibility for requiring compliance of Government contractors and subcontractors. In preparing implementation of this amendment to the Executive order, we have made several observations of fact, some firm policy decisions, and some tentatives ones, all of which I would like to discuss with you today.

Thanks to the comprehensive data gathered by the Women's Bureau as well as the reporting system developed under our own program since 1962, we have learned there is no real argument against the conclusion that women's skills and capabilities are clearly underutilized in our labor force. Women seem to have had more educational opportunities; yet men have the higher incomes. In 1966 the median income of a nonwhite woman with a high school education was about $500 under the median income of a white man with less than 8 years of school. Three out of five women are in white-collar jobs, one out of six is blue collar, and the rest are mostly in service occupations. There is almost total exclusion of women in many management and professional areas. Negro women are mostly confined to the service occupations. This is true of Government contractors, and in some cases they are considerably worse than the overall profile.

As more women join the labor force, their rate of unemployment is rising. By 1967 they had an unemployment rate of 5.2 percent, when for men it was 3 percent. The unemployment rates for Negro women are startling. In 1967 they had an unemployment rate of 9.1 percent; the comparable rates for Negro men, white women, and white men, respectively, were 6 percent, 4.6 percent, and 2.7 percent.

In view of this situation our Office has decided that its approach to sex discrimination should be similar to its approach to other forms of discrimination, with emphasis upon affirmative action and compliance reviews in the preaward process. We are currently developing guidelines for the Federal contracting and administering agencies. I would like to discuss with you some of their substantive elements.

First, we feel that much of the experience contractors have had with affirmative and corrective action in race antidiscrimination programs is readily transferable to problems with sex discrimination. They should expand recruitment itineraries to include women's schools. In their advertising they should include publications read predominantly by women. They should invite women to apply for any and all jobs. The "bona fide occupational qualification" concept seems to have no real

application to the kinds of jobs Government contractors have. We recognize that, unlike the situations with race discrimination, there are some State laws which require disparate treatment. However, it seems clear that at least some of these laws are now preempted by title VII of the 1964 Civil Rights Act. Where there have been separate lines of seniority they should be restructured in a corrective program, with timetables and reasonable goals.

One element of affirmative action which will be given special attention by agency compliance officers is recruitment for training programs. I have mentioned already that women simply are not now represented in most management areas. This is true also in other better paying skilled jobs. We look to contractors to overcome these deficiencies in part with their training programs. Here too we will expect progressive programs with timetables and reasonable goals.

This is the time for all good managements to undertake a "self-analysis" of their personnel programs. They should compare male and female employees' education, training, experiences, and skills. I am sure that most organizations will find among their employees considerable underutilization of women. And in many employee categories there will be virtual exclusion of women, especially nonwhite women.

I look forward to discussing these matters with you, and anything else you wish to discuss about this program.

*" * * * the biggest job to be done, if discrimination against women is to be eliminated, is that of breaking down the notion that certain work can be performed by men only and other by women only * * * a primary concern seemed to be* how *to encourage top management to listen and act."*

DISCUSSION HIGHLIGHTS

Discussion groups were divided by type of business or industry to discuss Federal laws and orders prohibiting discrimination in employment practices based on sex. The major goals were a discussion of (1) specific provisions of the Federal laws and orders prohibiting discrimination based on sex, (2) requirements for compliance, (3) enforcement by Government agencies, and (4) the development of affirmative action programs to provide equal employment for both sexes. By agreement the agenda emphasized these points and avoided a discussion of the merits of the laws and orders or of the myths with respect to working women.

The four groups were:

Government contractors (aerospace, electronics, research)

Consumer products (retail sales, oil companies, industrial manufacturers)

Consumer services (hospitals, utilities, airlines)

Finance (banking and savings and loan, credit corporations, insurance companies)

A kit of materials was given to each conference participant. A review of these materials in the main set the group discussion agenda.

Nevertheless, while all of the groups covered the material in their discussions, the informality of the discussions made strict adherence to a stated content or order impossible. Therefore this summary of highlights of the group discussions reflects the major concerns of the participants, as reported by the group leaders.

Unlawful Employment Practices

Title VII of the Civil Rights Act of 1964 makes it unlawful

For an employer to discriminate in:
- hiring or firing;
- wages, terms, conditions, or privileges of employment;
- classifying, assigning, or promoting employees;
- training, retraining, or apprenticeships.

For an employer to:
- express in advertisements any specifications, limitations, or preference based on sex.

Participants pointed out that while the employer community has for some time placed considerable emphasis on equal job opportunity regardless of race or national origin, relatively little attention seems to have been given to providing equal opportunity regardless of sex. There was a general feeling that many employers are not aware that it is "just as unlawful" to refuse a woman a job simply because she is a woman as it is to refuse a Negro a job simply because he is a Negro. And an EEOC Commissioner indicated that the Commission is just as concerned with this provision of the law as with any other.

EEOC Title VII Guidelines on Sex

The guidelines which received the greatest interest were these:

(1) "An employer cannot justify the refusal to hire women on the basis of assumptions of the comparative employment characteristics of women in general, or stereotyped characterizations of the sex, or because of his own personal preference or those of his employees, customers, or clients. The principle of nondiscrimination in employment requires that applicants be considered on the basis of individual capacities and not on the characteristics generally attributed to a group."

Examples of violations are these:

- An advertising agency which denies a woman a job as an account executive for the reason that its clients would not accept a woman.
- A corporation which denies a woman a promotion to a management position because the individuals (male) with whom she would have to deal in the corporation's various divisions would be unwilling to collaborate with a woman.
- An employer who denies a job as an electronics assembler to a man because "women are better at intricate assembly jobs than men."

While there are apparent differences in patterns of abilities of men and women, there is a tremendous overlapping of male and female scores on various ability tests. Therefore, the basis for the decision to hire or promote must be the particular ability of the particular individual.

(2) "The Commission follows the general proposition that unless there is a 'bona fide occupational qualification' exception as to sex, separate job classifications designated 'male' and 'female' violate title VII of the Civil Rights Act of 1964."

Some participants felt that the biggest job to be done if discrimination against women is to be eliminated is that of breaking down the notion that certain work can be performed by men only and other by women only, or the notion that while a woman may be *capable* of performing certain jobs usually performed by men, tradition must nevertheless prevail.

A primary concern of many present seemed to be how to encourage top management to listen and *act*. The majority agreed the problem rests with top management, and enumerated difficulties experienced in attaining cooperation. A participant explained how her company handled this issue: A memo was sent to the president spelling out the law and the suggested steps to be taken, resulting in immediate affirmative action to the extent of holding several informative discussions with responsible groups involved in supervision of personnel.

Another matter of concern was the fact that few companies promote women beyond middle manage-

ment. Suggested solutions included making a thorough review of job specifications, and a continuing program of review for promotion and upgrading to be implemented in order to achieve an equitable balance.

A current situation with respect to airline stewardesses came up for discussion. The EEOC has held that the duties of flight cabin attendants can be performed satisfactorily by both sexes, and therefore sex is not a "bona fide occupational qualification." Thus an airline violated title VII when it refused to employ members of a particular sex for such positions. The Commission has also decided that the grounding or terminating of stewardesses at the age of 32 or so, or when they marry, is discrimination on account of sex and thus a violation of title VII.

Training

Under the provisions of title VII, it is an unlawful employment practice for the employer to deny admission to any individual because of sex to any program established to provide training. This includes training for entry jobs as well as for management jobs.

EEOC's General Counsel has issued this opinion: "An employer who offers supervisory training for male supervisors must offer it to female supervisors similarly situated."

It was pointed out that seldom are women recruited for management training positions. It is clear that to exclude a woman from consideration for management training solely because of her sex is an unlawful employment practice under title VII, and employers who follow this practice are vulnerable to formal charges of discrimination.

State Versus Federal Laws

Most States have enacted laws or administrative regulations with respect to the employment of women. These laws fall into two general categories:

(1) Laws that require that certain benefits be provided for female employees, such as minimum wages, premium pay for overtime, rest periods, or physical facilities; and

(2) Laws that prohibit the employment of women in certain hazardous occupations, in jobs requiring the lifting of heavy weights, and in jobs requiring work during certain hours of the night or for more than a specified number of hours a day or a week.

In 1966 the EEOC adopted a policy that it would not make determinations based on the merits in cases which presented a conflict between title VII and State protective legislation, but that charging parties would be advised to bring civil action to challenge the validity of the State laws or regulations. On February 23, 1968, the Commission rescinded this policy and reverted to its original policy, as follows:

> In cases where the effect of State protective legislation appears to be discriminatory rather than protective, the Commission will decide whether that State legislation is superseded by the Civil Rights Act. Where State law limits the employment of women in certain jobs, employers refusing to employ women in such jobs will not be found in violation of the act, provided that (1) they act in good faith and seek to obtain administrative exception where possible under the legislation; and (2) the effect of the legislation itself is protective rather than discriminatory.

What is not clear to employers, of course, is what the EEOC will consider to be "protective" and what it will consider to be "discriminatory." For example, restrictions in lifting weights will not be deemed in conflict with title VII except where the limit is set "at an unreasonably low level which could endanger women." But what is "an unreasonably low level?" It is likely that the whole issue of State versus Federal laws will remain quite cloudy until cleared up by the courts—perhaps eventually by the United States Supreme Court.

Nevertheless, where State laws or regulations do provide for administrative exceptions, the EEOC will expect an employer asserting a bona fide occupational qualification to have attempted, in good faith, to obtain an exception from the agency administering the State law or regulation.

Two cases now pending which could possibly serve as vehicles to bring these issues before the U.S. Supreme Court are these:

The Mengelkoch Case—California

In 1967 an employee sued her employer, North American Aviation, Inc., and the California Industrial Welfare Commission, seeking to bar them from enforcing the California law which prohibited employers in certain industries from permit-

ting women employees to work more than 8 hours a day and 48 hours a week. It was her contention that the law denies women the due process and equal protection of the laws guaranteed by the 14th amendment to the Constitution; also she contended that the limitation on working hours must be voided because it conflicts with the 1964 Civil Rights Act section outlawing discrimination on the basis of sex. The case is now before the U.S. Court of Appeals for the Ninth Circuit, and may well reach the U.S. Supreme Court.

The Thelma Bowe Case—Indiana

In this case the U.S. District Court for the Southern District of Indiana concluded that the employer, Colgate-Palmolive Co., did not violate the Civil Rights Act by refusing to permit women employees to lift weights in excess of 35 pounds. The case is now before the U.S. Court of Appeals for the Seventh Circuit.

A decision for the plaintiff in either one of these cases (or other similar ones now pending) could upset State laws and regulations established for women workers—including overtime hours, weightlifting, minimum pay, coffee breaks, and others.

EEOC Procedure for Handling Complaints

The procedure followed by the EEOC in handling charges of discrimination on the basis of sex is precisely the same as that for complaints on the basis of race. It is as follows:

- A charge of discrimination form is furnished by the EEOC to individuals wishing to file a charge. The charge is submitted in affidavit form.
- An EEOC representative reviews the facts and the charging party is contacted either by mail or in person.
- A copy of the charge is given the party charged with discrimination.
- An investigator gathers facts from the charging party and from the party charged with discrimination.
- The investigator makes a report to the Commission.
- If the Commission finds that the charge is not supported by the facts, the charge is dismissed and a notice of dismissal is sent to the interested parties.
- If the Commission finds "reasonable cause" to believe that the charging party has been discriminated against, it attempts to conciliate and reach an agreement satisfactory to the parties.
- If such agreement is not reached within a specific period of time, the charging party is advised of the right to take the complaint to court.

In addition to individual charges of discrimination, a charge may be filed by a member of the EEOC when violations of title VII are observed by the EEOC representative in the course of an investigation of a specific complaint. Such violations are made a part of the investigator's report. The Commission might determine that the specific charge of the individual was not supported by the facts and dismiss that charge, but then might pursue a charge based on information gathered in the course of the investigation with respect to company policies, practices, and so forth, which appear to be discriminatory.

Consequences of Proven Charges of Discrimination

The EEOC does not have the power to issue cease and desist orders, nor does it have the power to bring any court action to enforce a finding of violation of the Civil Rights Act.

> NOTE.—*At the time of this conference, there was a bill pending before the Congress which would give the EEOC such powers.*

Under present law a civil action may be brought by the charging party if the EEOC is unable to obtain voluntary compliance. The court may appoint an attorney for the complainant and authorize commencement of action without payment of fees, costs, or security. The court may permit the U.S. Attorney General to intervene in the action if he certifies that the case is of general public importance.

The court may order reinstatement, hiring, back pay, etc. If the employer fails to comply with an order of the court, the Commission may commence contempt proceedings to compel compliance.

If the U.S. Attorney General has reasonable cause to believe that the full exercise of rights granted under title VII is being denied because of a pattern or practice of resistance, he may bring a civil action against the employer (or labor union or employment agency) in the appropriate district court of the United States.

Job Opportunity Advertising

The new EEOC guideline directing that classified job advertisements no longer be listed under

separate "male" and "female" headings would become effective December 1, 1968. Until this time, the EEOC has permitted listings under the heading "Jobs of Interest—Male" and "Jobs of Interest—Female."

NOTE.—*The Commission's new guideline was challenged by the American Newspaper Publishers Association and The Washington Evening Star. A Federal judge denied their request for a preliminary injunction to delay the effective date of the guideline, but at the same time the judge declared that the guideline "isn't a regulation having the force or effect of law."*

Pension and Retirement Plans

The matter of different retirement ages based on sex was discussed. It is unlawful for an employer to establish different optional or compulsory retirement ages for men and women. The EEOC guidelines on sex discrimination provide that the legality of other differences in pension and retirement plans will be decided by the Commission on a case-by-case basis.

It is the opinion of the EEOC's General Counsel that a gradual adjustment of plans having lower retirement ages for women would be permissible "since immediate removal of the earlier retirement option would be unfair to women close to retirement." According to this opinion, the exact cutoff point for ending the difference would depend on the circumstances, and the judgment of the employer and union would "carry considerable weight."

NOTE.—*At the time of this conference, proposed legislation was pending before the Congress which would have the effect of overthrowing the EEOC's ruling with respect to different retirement and pension plans for men and women. However, Congress adjourned October 14, 1968, without taking final action on this proposal.*

Title VII—General Questions and Answers

Q. If a company is found innocent of a charge of discrimination and the charge is dismissed, how does the EEOC feel about the company? Is the company being watched thereafter?

A. The Commission has records of all of the charges which have been filed and information relating thereto, but when reviewing individual cases, the Commission does not check back to find out how many complaints have been filed against a particular company. There is no "penalty" against an employer based on the number of complaints filed against it, but if many charges are filed, the certainty of the Commission's remembering the fact is increased.

Q. Is each charge investigated?

A. Yes, unless the Commission determines that it does not have jurisdiction. That is, only discrimination because of race, color, religion, sex, or national origin is covered by title VII. The EEOC does not have jurisdiction over a complaint based on any other kind of unfair treatment.

Q. Are most people who file complaints trying to get a job or already on it?

A. With reference to sex discrimination complaints, the majority are already on the job.

NOTE.—*The second annual report of the EEOC shows that of 1,674 sex discrimination charges against employers, only 194 involved the* hiring *practice of the employer.*

Q. Do you have many charges filed by men? How does the EEOC look on these?

A. We do have charges filed by men, but relatively few. We give them the same consideration as those filed by women.

Q. What procedure does the EEOC follow in arriving at a decision?

A. After the case has been investigated by the equal employment officer in the field, the report of the investigation is sent to the EEOC office in Washington. It is reviewed by the Interpretation Section and then forwarded to a Commissioner. Each Commissioner has certain cases for which he is responsible. A decision is posed by one Commissioner. This decision is circulated to all of the other Commissioners, as each decision must have the concurrence of the other Commissioners.

Q. Does the EEOC have jurisdiction over newspaper advertising policies?

A. No, it does not feel that it does. The EEOC considers it is the employer's responsibility to see that the regulations with respect to job opportunity advertising are complied with.

Q. If an applicant comes in looking for employment and is turned down, there may be many reasons for her rejection, but she chose to assume that it is because she is a woman. What then?

A. If she files a charge of discrimination, the employer to whom she applied for a job is going to need some record as to why she was turned down. If there are sound reasons for denying her the job, and the fact that she is a woman is not a

factor, then there is no problem. However, a problem might arise if there is no record of the reason that she failed to get the job.

Q. Of the cases in which the Commission has reached a decision, how many have been decided in favor of the charging party and against the employer?

A. On the whole, successful conciliations are running around 50 percent to 60 percent at this point.

President's Executive Order 11246

The order, as amended, now outlaws discrimination in Federal employment based on sex. This order applies to Government employees (part I) and to Government contractors and subcontractors (part II). The requirements of the Executive order parallel those of title VII with the exception of one additional requirement: that "affirmative action" be taken to make sure that there is no forbidden discrimination.

That part of the order affecting Government contractors and subcontractors is administered by the Office of Federal Contract Compliance of the U.S. Department of Labor (OFCC). The representative of the OFCC indicated that the provision prohibiting discrimination based on sex will be given equal attention by the OFCC as that given other provisions of the order.

An agreement to provide equal employment opportunity is part of the contract between the contractor and the Federal Government. Failure to comply with this particular condition of the contract can have the same effect as failure to comply with any other condition. And, of course, any such failure can debar the employer from future Government contracts.

Compliance Reviews

Regulations of the OFCC call for compliance reviews to determine the extent to which contractors are complying with requirements of the order. Until now, these reviews have included an examination of employment practices relating to discrimination based on race, religion, and national origin. After October 13, 1968, these reviews will include an examination of employment practices relating to discrimination based on sex. Such reviews are conducted by the Director of the OFCC or the contracting agency: (1) from time to time; (2) when special circumstances, including complaints, warrant; or (3) when requested by the OFCC Director. Results of such compliance reviews are reported to the OFCC.

Employer Information Report EEO–1 was referred to. This report is made annually by employers and is used by the OFCC and the EEOC. While no final conclusion with respect to discrimination is made from the statistics contained in this report, such statistics might give rise to questions of discrimination. For example, if a large employer shows not one woman in the "Officials and Managers" category, it would appear that the employer simply does not promote women to this level. A review might be conducted to determine if the facts supported such a suspicion.

It is the practice of the investigating agency to contact a top official at the plant first to explain why a review is being conducted, and then, generally, to talk to the personnel office concerning details. An employer might be requested to put together certain information prior to the investigation of a particular complaint or prior to a compliance review. If, upon review of the facts "areas of deficiency" are found, the agency tries to work with the employer in an effort to eliminate such deficiencies.

Regulations specify that if a contractor has 50 or more employees and a contract of $50,000, he must have a written affirmative action program. Regarding the degree of detail to be included in such a program, an OFCC representative indicated that the affirmative action program must be in sufficient detail to assure that the firm is indeed an equal employment opportunity firm. It is the employer's responsibility to analyze his own affirmative action program and determine if it does, in fact, assure equal opportunity.

Among the most conspicuous signs of possible discrimination are:

- Concentration of large numbers of women in dead end jobs.
- Absence of women in management training programs.
- Absence of women in management level positions.
- Concentration of women in a department with only men supervisors.

As a final note, where a State law or order has the effect of depriving a woman of equal opportunity, the OFCC holds the same opinion as does the EEOC with regard to title VII. That is, the

employer will be expected to seek an exemption if there is a provision for such an exemption in the statute or order. And, with respect to State laws and orders providing special benefits for women, OFCC takes the position that the same benefits must be provided for men.

Processing Complaints

Any applicant for employment or any employee who believes he has been discriminated against may file a written complaint of alleged discrimination. The same form is used for complaints to OFCC as that used for complaints to EEOC. The complaint may be filed with either the contracting agency (such as NASA or the Air Force) or with the OFCC. Complaints filed with the OFCC may be referred to the agency for processing. The contracting agency is responsible for developing a complete case record on any complaint filed with it or referred to it.

The complaint is investigated, and if no violation is apparent, the agency so informs OFCC. The OFCC Director reviews the agency's finding, and if he concurs he so advises the agency; if he does not concur, he may request further investigation by the agency or may undertake an investigation by the OFCC.

If the investigation indicates an apparent violation, the matter is resolved by informal means whenever possible. If the violation is not resolved by informal means, the agency may afford the contractor an opportunity for a hearing before reporting its findings and recommendations to the Director. If the agency decides that a violation has taken place, it may make recommendations to the Director for the imposition of sanctions.

Affirmative Action

There was emphasis on the fact that the Executive order calls for "affirmative action" to ensure that applicants are employed and employees are treated during their employment without regard to sex. The OFCC representative indicated that since the area of sex discrimination is a new one for OFCC and the contracting agencies, he felt employers could be helpful in developing practical approaches to compliance with the new position in the Executive order. While it may be that many of the approaches now used in preventing race discrimination may be feasible, the problems are different in some respects and may require different solutions.

The discussion of the "Principal Steps for Affirmative Action" generated a great deal of interest. This led one group leader to the conclusion that most people responsible for the staffing of their respective companies are ready to move in the direction of "affirmative action." The consensus of concern of the participants related to *how* affirmative action might best be taken. Another issue of concern raised related to the ways in which women could actively initiate and accelerate their advancement in employment opportunity. It was felt the way is now open to positive action in this direction.

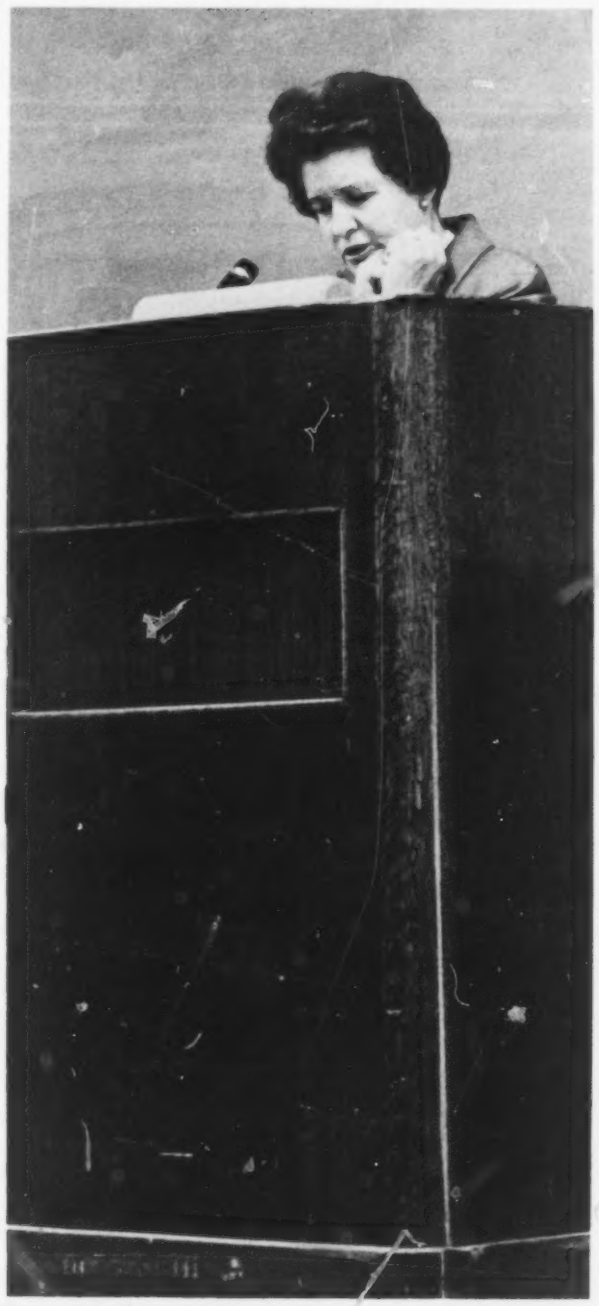
General Observations

Following the adjournment of the group sessions, a number of participants indicated a keen appreciation for the major contributions which had been made to the sessions by Commissioner Kuck, Mr. Macaluso, Mr. Brothers, Mr. Wilson, and Mrs. Schlei.

MARY DUBLIN KEYSERLING attended Barnard College and completed her graduate study at the London School of Economics and Columbia University.

After teaching economics and statistics at Sarah Lawrence College, in 1938 she became general secretary of the National Consumers' League. Afterward, Mrs. Keyserling held various high-level economics posts in agencies of the Federal Government. In 1946 she was appointed Director of the International Economics Analysis Division of the U.S. Department of Commerce. From 1953 to March 1964, she held the position of associate director of the Conference on Economic Progress, and was also a consulting economist in private practice.

In March 1964 Mrs. Keyserling was appointed Director of the Women's Bureau of the U.S. Department of Labor, her present position. She is also executive vice chairman, Interdepartmental Committee on the Status of Women.



*"Changes will come more quickly as more and more firms * * * come to see the price we pay as a society for the underutilization of human potential, and especially the price they themselves pay."*

REALITIES OF WOMEN'S CURRENT POSITION IN THE LABOR FORCE

Mary Dublin Keyserling, Director, Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor

It's been a very rewarding experience to be able to share in our discussions together today. I want to express warmest appreciation for all that Mrs. Loring, Miss Devine, Mr. Foster, and others have done to make this conference possible. I am sure that I speak for all of you when I say how helpful has been our exchange of experience and ideas as we have considered together our mutual responsibilities for helping to implement title VII of the Civil Rights Act and the President's Executive Order 11246 with respect to sex discrimination, which is shortly to become effective.

These measures do afford clear indication of our conviction as a nation that *all* our people are entitled to participate and share in our society on an equal basis. These measures would not be part of the law of the land and of governmental practice were this not so.

The fact that you are here and what you have had to say in our four discussion sessions about what's in process by way of affirmative action to assure compliance gives encouraging evidence that business leaders are deeply committed to making equal employment opportunity a reality for all.

Earlier today Mrs. Loring expressed the hope that I would present some conclusive evidence of the gains affirmative action has already achieved for women. I am afraid that it's too early to do this. The barriers to equal employment opportunities to women have been high ones. They have existed a long time. Our speakers this morning talked of the deep roots of sex discrimination and expressed the view that their uprooting would be harder than in the case of race discrimination. It will not be easy to combat many of the myths which have long existed and which continue to block women's economic advance.

In your workshops this morning you discussed some of the ways to encourage employers as they attempt to effect compliance. What makes compliance with the prohibition of sex discrimination in employment harder to effect than the elimination of other types of discrimination is that so many employers are unaware of the extent to which their employment policies do, in fact, discriminate against women. And discrimination leads to the inequity of unequal opportunity and to social and economic wastes involved whenever human resources are underutilized.

It seems to me that the most useful contribution I can make this afternoon is to talk of the realities of women's current position in the labor force. We must have a clear picture of these realities if we are going to effect change in attitude and practice.

Let's face it; we are drawing very inadequately on the abilities of women in the labor force. President Johnson put it strongly not long ago when he said: "The underutilization of American women continues to be the most tragic and the most senseless waste of this century."

What were the facts that the President must have had in mind when he made this statement? He knew, of course, that more women are employed than ever before in our history. As of July, more than 29 million women 16 years of age and over were in the labor force—considerably more than twice the number in 1940. Actually, about one-half of all our women between the ages of 18 and 65 are now wage earners.

The President was fully aware of this rapid increase in women's job opportunities. He nonetheless felt that we must take a hard look at how the talents of women in the labor force are actually being used. First, it's very apparent that women

are highly concentrated in the least skilled, least rewarded, and least rewarding jobs. Of all women who worked year round and full time in 1966, one-quarter had money incomes of less than $3,000. (By money incomes we mean not only income from wages but from all other sources as well.)

More than two-thirds of all women in year-round full-time jobs had money incomes of under $5,000. How does this compare for men? Fewer than one-quarter of all men working year round and full time were in this income bracket.

A very, very small proportion of women make their way into the higher paying jobs. Fewer than 1 percent—actually seven-tenths of 1 percent—earned wages or salaries of $10,000 or more in 1966. The proportion of men doing so was almost 20 times higher.

The relative earnings of women and men give a pretty good indication of their relative location in the work force structure. In 1966 the median earnings of women working year round and full time were only about 58 percent of those of men in such employment.

This doesn't reflect unequal pay for equal work. This remains a problem, but the fact is most women don't get the chance to do equal work. They are in jobs carrying the label "women's work" and with a relatively low price tag.

And the interesting thing we find is that in recent decades the relative concentration of women in the less advantaged jobs has been intensifying rather than improving.

We see this when we compare median earnings of men and women in recent years. Back in 1955 the median earnings of women employed year round full time were 65 percent those of men. It's down now, as I indicated, to 58 percent. That's quite a sharp decline.

We see this in other ways. Women constitute far larger and growing percentages of those in the service trades and clerical occupations than they did before World War II. They are now a smaller percentage than they used to be of those in the more privileged area of professional and technical work. In 1940 women represented 45 percent of those in these higher level jobs; the percentage is now down to 38 percent.

Women have made very little progress in the upper echelons for a good many years. They are still only 1 percent of our engineers, 3 percent of our lawyers, and it's taken nearly 30 years to go from 5 to 7 percent of our doctors.

It's interesting, isn't it? In no country does so large a percentage of women go to college. In few countries does the average workingwoman work as many years as do ours—well over 25 of her lifetime. And it's longer than this for the highly educated woman. Yet in most other industrialized countries women constitute far larger percentages of those in the professions. They educate relatively few women but use them well. We educate many; the more educated they are the more likely they are to work, and the longer are they likely to work. And then we waste their training and their talents. Almost a fifth of our women college graduates are in factory jobs or are sales, clerical, or service trade workers.

You people are especially concerned with the shortage of able management personnel. This is true of business in general. Yet women play a negligible role in management. Said a recent study published in the *Harvard Business Review*, "The barriers to women in management are so great that there is scarcely anything to study." It was reported that the process of breaking down the barriers cannot be observed "since this occurs so rarely at present."

The authors found no observable increase in the percentage of women executives during the period 1950 to 1964. Of course, title VII was enacted in 1964, and perhaps we should have begun to see some progress registered in subsequent statistics. But as I said at the start, I'm sorry to have to report that while there are some conspicuous individual breakthroughs which make colorful headlines, and we begin to see the first signs of some trend reversals, the turnaround of the trend line that is thus far apparent can only be described as relatively slight.

A survey of the Bureau of National Affairs published last December indicates we are making far slower headway in breaking down barriers to employment opportunities based on sex than we are with respect to race. This was reported to be true as far as recruiting, hiring, and promotion as well as the terms of work were concerned.

Why the conspicuous underuse of women in the labor force and the slowness of our efforts to do a better job?

There are, of course, many factors involved. Because my time is limited and we are concerned today primarily with employer attitude and practice, I am going to deal with a few of the myths about women's work performance that some of our

employer friends still cherish and which continue to serve as sizable barriers to women's employment opportunity. And I like Mrs. Loring's definition of a myth she gave us this morning. She described myths as the assumptions we make despite the fact that they are not based on reality and which we rationalize in order to make ourselves comfortable.

Let's start with the view so frequently stated that it doesn't pay to promote a woman, or to train her for supervisory jobs or other managerial assignments. Why? "Because she'll only marry and leave and the investment will be wasted."

This may have had relevance 30 or more years ago when the great majority of workingwomen were young. They did leave in their midtwenties for marriage and to rear families with relatively small likelihood they would return. Worklife expectancy of women *was* short. The picture is very different today. About 60 percent of all women in the labor force are married. Twenty percent are widowed, separated, or divorced; the remainder are single women, mainly young ones. Increasingly the fact of life is that more and more women combine marriage and employment. And the higher the degree of education of women, the more likely this is to be so. To illustrate, about three out of five of our women college graduates are at work regardless of age. Actually, two-thirds of them are wage earners after they've sent the last child off to school.

The difference between the average worklife expectancy of men and women has been narrowing rapidly. Our figures are a little old; they are based on the 1960 census. They show the average woman at work then could expect to bring home a paycheck for about 25 years. The 1970 census figures will, we know, show that this work period has since lengthened significantly.

Here's an illustration of the increased attachment of women to the labor force. Take all women at work at the age of 35. The single woman can expect, on the average, to be on the job another 31 years—about 2½ years more than the average man of 35. Those who are widowed, separated, or divorced can anticipate another 28 years of work on the average—about one-half year less than the average man. And as for the married women with husbands and most of them with children—their average worklife expectation at 35 is another 24 years.

It's puzzling that the notion that it doesn't pay to train or promote a woman should persist so strongly despite the great change in women's work patterns. It is true women do marry and so leave jobs—some for short periods, some for longer periods. But men leave their jobs too. A study by our Department of job mobility indicates that a 20-year-old man in 1961 could expect to make about seven job changes in the rest of his life. This was defined as a change of employer.

And job mobility has been increasing since then and will continue to do so. You train a man and he leaves. That's life. You hire another and benefit by the training he got elsewhere. This is also true for women. Let me cite some additional interesting evidence. Another Department of Labor study shows men tend to move from one job to another somewhat more often than women. In the survey year, 11 percent of the men changed jobs one or more times. The figure was 8.6 percent for women.

Thus, the failure to recruit, train, and promote women is bad employment practice from the point of view of employer self-interest, quite apart from the inequity and hardship women suffer because of it.

And it is a hardship to women as well as to their families to be relegated so heavily to the lowest rungs of the job ladder. Too many employers still harbor the notion women are pin money workers and that their position or pay doesn't really matter so much.

How very wrong this is. Pay and job rank matters no less to the single woman than to the single man. Both work to support themselves. Who wants to discriminate against women who are widowed, separated, or divorced? It's the married woman who is all too often regarded as the "supplementary" earner who doesn't really need the job at all. How false this is. About 16 million married women are members of the labor force. About a sixth of them have husbands with incomes of less than $3,000 a year. These women work for reasons of the hardest economic necessity to try and take their families out of dire poverty. And they do.

A good cure for poverty is a working wife. Of all husband-wife families in which the wife works, only 5 percent are poor. Of the families in which the wife does not work, 15 percent suffer the hardships of poverty.

In nearly one-fifth of all of these husband-wife families in which wives work, the husband's income ranges between $3,000 and $5,000 a year.

These women work to lift their families above the deprivation level.

We today think of a family income of $7,000 as not quite enough to assure a modestly adequate standard of living. Six out of 10 of all families in which wives work would have incomes of less than $7,000 without their earnings.

Clearly most women work because they and their families just plain need the money for what we regard as the basic components of the American way of life.

The earnings of wives mean that seven out of 10 of their families enjoy incomes of $7,000 or more. This means homeownership for many. It means educational and other opportunities for their children. Their buying power is immensely important in human terms. It has become a very significant underpinning of the American economy.

There are many other myths I'd like to challenge. Let me take just one or two more.

"It's so expensive to hire a woman," say some uninformed employers. "They are absent so often because of illness."

Are they? A recent Public Health survey shows that men, on the average, lost 5.4 days during the survey year because of illness or injury. Women lost less time—5.3 days a year on the average.

There's the myth one hears all too often: "I can't hire women, especially in supervisory jobs; they're too emotional." To illustrate, a *Harvard Business Review* study reports that 51 percent of the men executives queried said women are temperamentally unfitted for management jobs. Asked why, they found it very difficult to be specific. The study concluded with respect to reasons given for restrictive policies and practices regarding women, and I quote: "We found that the great majority of reasons given either could be solved easily or were merely perceived problems not based on fact."

Needless to say, with constructive policies women can be used effectively and profitably in management, the study concluded.

One further illustration of the emotionality myth. The Administrative Management Society made a study of 1,900 firms. The study focused on jobs which could be performed equally well by men or women. Thirty-two percent of the firms preferred to hire men for these jobs. Thirty-three percent preferred to hire women.

Why the preference for men? The reply was that men are more dependable and stable.

Why the preference for women? The reply was that women are more dependable and stable.

So we could go on.

Yes, attitudes are changing, and change they must now as a matter of accepted national policy. But even where the intent is good, attitudes sometimes are surprisingly sticky.

I think of an awfully nice top executive of a major business enterprise with whom I recently shared a platform. We were talking to a large group of business and professional women. He wanted to prove that he had completely shed *all* the false notions of women's work performance. "Why," he said, "our personnel director—a very important post—is a woman."

He told us she had been her predecessor's top assistant. When the predecessor left, she asked for the job. My friend confessed he was unenlightened then and told her he didn't see how she could do the work. It meant hiring men; it meant traveling; and so on and on. The young woman replied she had been coping with all these assignments and persuaded my friend to give her a 6-month trial period.

And my friend said, "We gave her a try. She is magnificent! She's been on the job for several years and she's the best personnel director we've ever had."

The audience of business workers applauded. Meanly, I asked, "Do you pay her as much as her predecessor?"

My executive friend's reply was to blush, to stammer a little, and to say, "I'll raise her salary when I get home."

Changes will come more quickly as more and more firms reappraise their employment policies and come to see the price we pay as a society for the underutilization of human potential, and especially the price they themselves pay.

Equal employment opportunity employers' declarations of "moral commitment" will add the little word "s-e-x" to statements which now read: "We will do more than receive and consider applicants regardless of race, color, creed, or national origin." And women will be included, too, when they say, "We shall continue to exercise affirmative action in seeking out members of minority groups, in whatever part of our society they exist, to provide them with meaningful job opportunities." And women will be included, too, when they say, "Members of minority groups will receive equal

consideration for all promotions and job placement." And when they say, "We will provide training, to the extent possible, to assist *all* applicants and employees alike in meeting requirements for better jobs," *all* will, as it must, include women, too.

This will be not only because the law requires it, but also because it makes just good plain commonsense. From now on out we are committed to the view that women are people, and people are equal in a democracy. Discrimination of any kind has no place in it.

We need the very best that *all* our people have to contribute. And with your understanding and your constructive action this is the goal we can and will achieve.

*"We do not advocate preferential treatment, but we fully recognize that affirmative action with respect to qualified applicants from certain groups may be necessary * * * where the momentum of long established discriminatory practices would otherwise continue to deny the equal employment opportunity * * *."*

FURTHER INTERPRETATIONS OF LAWS AND ORDERS:

Questions and Answers

William Foster, Conference Cochairman
Mary Dublin Keyserling, Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor
Elizabeth J. Kuck, Equal Employment Opportunity Commission
Vincent Macaluso, Office of Federal Contract Compliance (EEO), U.S. Department of Labor

Q. *How does a woman executive educate her employer in this new approach short of filing a claim of discrimination? And where would she find a comparable job if she filed?*

A. A woman executive may educate her employer by initiating frank discussion with the company's personnel manager and other officers as to the opportunities within the company. In such discussions, the company should be encouraged to undertake a comprehensive evaluation of the qualifications of its female employees, to insure that their talents are being fully utilized. Under the complaint procedure currently authorized for use by the EEOC, a woman executive has the opportunity to request that a Commissioner's charge be issued, without risk of her employer becoming aware of her action. In case the charge is filed by an individual against an employer, the latter is notified of the identity of the charging party. However, it is a violation of the Civil Rights Act for an employer to discharge an employee by reason of her filing a charge with the Commission.

Q. If a company had no policy regarding layoff by seniority, what basis would a woman have for a sex discrimination charge if a man with less seniority was retained in a similar position?

A. Title VII of the 1964 Civil Rights Act does not require that a company determine layoff on the basis of seniority. Whether a violation could be established would depend upon a review of all of the circumstances to the end of determining whether the woman was laid off on the basis of her sex, or because of the application of nondiscriminatory criteria normally followed by the company in determining layoff.

Q. *What is the one most important step an employer can take to display an affirmative action program regarding sex discrimination?*

A. There is no single "most important" step which an employer can take to display an affirmative action program with regard to sex, but the most successful programs seem to result where:

(1) interest and action emanate from the top and the matter is approached with the sincerity of purpose and thoroughness of application accorded business objectives;

(2) the company undertakes a comprehensive evaluation of the qualifications of its female employees to determine that they are indeed being fully utilized; and

(3) females are given the opportunities accorded to male employees to benefit from training programs.

Q. *Can proof of birth, such as birth certificate or baptismal certificate, be required for a pension plan, since some plans permit an employee to retire at age 62, particularly women?*

A. There is nothing in title VII of the 1964 Civil Rights Act which prohibits a requirement that a birth certificate or baptismal certificate be submitted in connection with a pension plan. It is recognized, however, that such documents will often contain information on race, color, religion, or national origin. In an investigation of an alleged violation, the EEOC pays particular attention to an employer's use of preemployment inquiries concerning race, religion, color, or national origin, or other inquiries which tend directly or indirectly to disclose such information. State laws should be consulted.

Q. *Is sex a permissible question on an employment application? If so, when can we expect it to be unlawful?*

A. Title VII of the 1964 Civil Rights Act does not expressly prohibit inquiries on an employment application concerning the applicant's sex, and the EEOC has made no determination that its responsibility to promote equal employment opportunities compels it to regard such inquiries with disfavor. The EEOC is concerned (and a violation of the act may be found) where sex is not a bona fide job requirement, and the applicant is denied an opportunity because of his or her sex.

Q. *How can present inequities be corrected, even though there are rate ranges, job descriptions, and regular review programs?*

A. Present inequities can be corrected in a number of ways. As a result of frank discussions with company officials initiated by employees, and also of voluntary actions by companies, employers are undertaking comprehensive evaluations of the qualifications of their female employees to ensure their full utilization and reception of the full benefit of training. In addition, in the course of an investigation of a Commissioner's charge, practices and classifications of an employer are reviewed to determine whether they are bona fide or mere disguises for sex or other prohibited discrimination. Charges may be filed either by an individual or by a Commissioner, upon receipt of information that indicates that the law has been violated.

Q. *Does the EEOC condone the policy which states that "to achieve equal status, unequal treatment—or discrimination in reverse—is a recommended solution"?*

A. The Commission's responsibility is to assure that all Americans will be considered for hiring, promotion, and other opportunities of employment on the basis of their ability and qualifications, without regard to race, color, religion, sex, or national origin. We do not advocate preferential treatment, but we fully recognize that affirmative action with respect to qualified applicants from certain groups may be necessary in particular companies or industries where the momentum of long established discriminatory practices would otherwise continue to deny the equal employment opportunity contemplated by title VII of the 1964 Civil Rights Act.

Q. *A recent* Los Angeles Times' *editorial was critical of the EEOC's ruling to eliminate male-female headings for job ads. The* Times *position was the jobseekers would be hurt by this ruling. Further, they state that their headings are "Jobs of Interest—Men" and "Jobs of Interest—Women," which they feel are not discriminatory in the same way as "Help Wanted, Male or Female" are. Any comments?*

A. After considerable public discussions and staff review, the Commission decided that advertisements placed under male-female headings permit employers virtually to preselect their applicants by indicating an explicit sex preference, regardless of an applicant's individual ability. Few women, however qualified, will pursue job openings appearing only in the "Help Wanted—Male" column, and too many employers use the "Help Wanted—Female" column to advertise openings only at the clerical level. Where specific job requirements make applicants of one sex unsuitable for employment, the employer's right to advertise for "men only" or "women only" is of course recognized and protected. Far from hurting the jobseeker, the ruling would insure the job hunter that *all* openings in areas of his or her interest and training would be listed in one place, rather than divided into columns which imply an employer preference. Moreover, the Commission ruling would remove the necessity for employers to double-list ads seeking applicants for either sex.

Q. *How do you sell management on promotions of female employees to a job which has always been done by a man?*

A. An employer is in violation of title VII of the 1964 Civil Rights Act if he discriminates on the basis of sex in promotion to a job where sex is not a bona fide occupational qualification. Employees may encourage management to comply by initiating open discussions with industrial relations personnel as to the opportunities available within the company. In a particular case, a woman

who claims to have been discriminated against may file a charge with the Commission. Individual Commissioners may initiate complaints upon receipt of information which indicates that the law may have been violated. Some States also have laws pertaining to sex discrimination, and filing may also be made with an appropriate State agency.

Q. *Do you feel that eventually, perhaps in 50–100 years, we will see women in top management positions in the same ratio to the total number of women working as men to the total number of men working?*

A. We at the Commission take seriously our responsibility to eliminate job inequality based on sex, as well as that based on race, color, religion, or national origin. As a result of our vigorous enforcement of title VII of the 1964 Civil Rights Act, management positions have been and are continuing to be opened to qualified women. It is difficult to predict when the discriminatory barriers will be removed, but I expect that they will be eliminated before the period you suggest. Once they are removed, the ratio of women to men in such positions will no doubt depend upon how many men and women are interested in and qualified for such positions.

Q. *With how many Federal agencies can an individual file a complaint of employment discrimination? Also, is there a procedure which permits these agencies to get together and have just one investigation of an individual complaint in order to save the Government and the employer time and money?*

A. Such a complaint can be filed with the OFCC or the appropriate Federal contracting or administering agency under the Executive order. It can be filed also with the Equal Employment Opportunity Commission. If "equal pay" under the Fair Labor Standards Act is involved, it can be filed also with the Wage and Hour and Public Contracts Divisions. Except for complaints under the Executive order, these procedures are statutory. For this reason, complaint investigations by one agency cannot be used easily to serve the investigative processes of another agency administering a different law or order. However, some progress has been made in some regions of the country, so that EEOC investigations are used to expedite case handling under the Executive order.

Q. *In connection with discrimination in employment, how does the Justice Department tie in with the operations of OFCC and EEOC?*

A. The Executive order provides that where there is a contract violation, cases may be referred to the Department of Justice for appropriate procedures to enforce the contract. These procedures include enjoining those who prevent or threaten to prevent compliance.

Q. *What is the Women's Bureau role in aiding the implementation of sex discrimination laws?*

A. The Women's Bureau does not share in the administration and enforcement of the Equal Pay Act or of title VII of the 1964 Civil Rights Act. Its work, however, contributes in many ways to the effective implementation of these laws.

As the central source of information in the Federal Government on women's roles in the economy, the Bureau has continuously analyzed trends with respect to women's employment and earnings. Its studies, which have emphasized in specific detail the relative underuse of women's skills in the labor force and the growing gap between the median earnings of men and women in year-round full-time employment, have helped point out how essential is the vigorous enforcement of fair employment practices legislation prohibiting sex discrimination. From the time these laws were enacted the Women's Bureau, both directly and in its capacity as Secretariat to the Interdepartmental Committee on the Status of Women, has been deeply concerned with policy determination with respect to their enforcement. Policy positions have been recommended to the administering agencies, and the actions of those agencies with respect to sex discrimination have been followed closely and frequently commented on.

The Bureau, serving as a central clearinghouse of information with respect to legislation of special concern to women, receives a large volume of correspondence from women who are experiencing discrimination in employment. It informs them how to proceed in presenting their cases and follows through to see that their complaints are acted upon.

The Bureau has been concerned by the inadequate enforcement powers of the Equal Employment Opportunity Commission and has, through speeches, position papers, and conferences, sought to promote increased understanding of the need to correct these deficiencies.

The Bureau works closely with State agencies responsible for the administration of those State fair employment practices laws which prohibit sex

" * * a variety of circumstances, causes, and conclusions which create a new set of situations * * * require a fresh set of solutions."*

discrimination thus far enacted, and provides information and technical assistance. Working closely with Commissions on the Status of Women and women's organizations throughout the country, it provides technical assistance to those concerned with the promotion of legislation in those States which have not, as yet, prohibited inequality of pay and other forms of discrimination in employment on the basis of sex.

Q. *After the myths are exploded, how do we remotivate that capable group of women who have become disenchanted and left the labor force?*

A. We have a continuing job to do to encourage these women—in fact, all women—to seek ways in which they can maximize their contribution to society. This applies not only to employment but also to volunteer service and active participation in politics and in other community leadership roles. We can do this by emphasizing the challenge of the immensely important jobs to be done and by pointing out how urgently the talents of women are needed, through work with women's organizations, through conferences, through speeches and articles, and often through direct correspondence. There is much to be done, too, through work with the mass media.

NEXT STEPS

Rosalind K. Loring, Conference Chairman

The day's questions and discussion indicate that there is still much to accomplish in providing equal employment by reason of sex. Stage One appears to be most consuming at this time—understanding the intent and interpretation of the laws and orders. This process will continue to be accomplished by thorough examination of specific for-instances as well as prior complaints.

However, Stage Two cannot be far behind—developing and implementing an affirmative action program. To date there has been so little experience in this area that projects of all companies are considered experimental. The establishment of a mechanism for exchange and evaluation of method and result would be beneficial. For example, some project designs and methods may be utilized from race-related affirmative action programs. But there are a variety of circumstances, causes, and conclusions which create a new set of situations and which require a fresh set of solutions. Thus it is evident that other patterns cannot be transferred exactly.

I stress that we are painfully aware that supervisory, administrative-training programs far more often are available to men than to women. (While this legislation relating to sex applies to both men and women, as statistics document, it is women who are usually deterred by discrimination.) Regardless of the reasons why this may have been true, it is now up to women to request that technical and managerial education be made available to them and then to take advantage of their opportunities by enrolling in those conferences, courses, and workshops. Across the country in increasing numbers educational opportunities are being prepared for women in formal institutions such as this university, or in inplant settings.

Fortunately, this is one step which can be taken now by each firm or agency—to embark upon an expanded educational program, thus making it possible for the employee to be in fact qualified. Stimulated by legislation, motivated by one's own best interest, and with adequate education—we may have here the bases for lowering sex discrimination in employment.

DISCUSSION SESSION OUTLINE

I. Introduction of cochairmen and any special conferees:
   A. Brief background of employment and company.
   B. Brief comment on compliance experience.
II. Review of purpose of discussion session:
   A. Primary goal: to provide information and the opportunity to learn from one another.
   B. Method and order of discussion: questions, answers, comments, and discussion; review and discussion of handout material; summarization.
III. Discussion and review of handout material:
   A. Excerpt from Civil Rights Act of 1964, title VII; sections 703 and 704.
   B. EEOC Title VII Guidelines on Sex.
   C. Charge of Discrimination.
   D. Consequence of proven charges under title VII.
   E. President's Executive Order 11246.
      1) what order requires;
      2) compliance reviews, etc.;
      3) consequence of proven charge.
   F. EEOC and State protective legislation.
IV. Affirmative action:
   A. Review "Principal Steps for Affirmative Action."
   B. Seek suggestions and discussion of most important steps.
V. Summary and conclusion:
   A. Recommend EEOC Second Annual Report and report of the Task Force on Labor Standards.
   B. Distribute evaluation sheets provided by UCLA.
   C. Request question card submission for *Further Interpretation of Laws and Orders.*

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Major provisions of Title VII—Equal Employment Opportunity (excerpted from the Civil Rights Act of 1964, Public Law 88–352)

Major Title VII Guidelines on Sex issued by the Equal Employment Opportunity Commission (excerpted from EEOC Title VII Guidelines on Sex)

EEOC Rules and Regulations, Chapter XIV: Equal Employment Opportunity; Sex Discrimination (Bureau of National Affairs, Inc., 1968)

Policy and Procedure Regarding Charge of Discrimination by Member of EEOC (excerpted from EEOC staff memorandum and General Counsel opinions)

Consequence of Proven Charges of Discrimination and Failure of Employer To Take Action (excerpted from Title VII, Civil Rights Act, sections 703–707)

"Charge of Discrimination" form and explanation of "How the Commission Works" (available from EEOC, Washington, D.C. 20506)

"Employer Information Report EEO–1" form (available from EEOC, Washington, D.C. 20506; or OFCC, U.S. Department of Labor, Washington, D.C. 20210)

Executive Order 11246 Reorganizing Federal Civil Rights Functions (text as amended October 13, 1967; Bureau of National Affairs, Inc., 1967)

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Some Principal Steps for Affirmative Action To Eliminate Discrimination Based on Sex (prepared by the conference committee)

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Second Annual Report of U.S. Equal Employment Opportunity Commission, June 1968 (Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, $0.35)

Laws on Sex Discrimination in Employment, April 1967 (Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor, Washington, D.C. 20210)

SOME PRINCIPAL STEPS FOR AFFIRMATIVE ACTION TO ELIMINATE DISCRIMINATION BASED ON SEX

1. Write a clear and firm company policy statement on equal opportunity, including specific reference to sex discrimination. Have it signed by the chief executive officer and disseminate it throughout the organization and to all outside agencies and organizations with which you do business. See that this statement of policy receives continued publicity and attention at all management levels.
2. Designate specific individuals throughout the organization to report progress or lack of it to top management on a regular basis and hold all executives and managers responsible for implementing equal opportunity policies.
3. Review all job and/or position descriptions to eliminate inappropriate sex requirements.
4. Review physical requirements on all jobs to make as many as possible available to both men and women.
5. Consider requesting exemption from 25-pound weight restriction on women and minors under Industrial Welfare Commission orders. State limitation of 50 pounds would still apply.
6. Review job categories in which men or women have not previously been employed in reasonable numbers, analyze reason, and take appropriate corrective action.
7. Review salary and promotion records of men and women hired at approximately the same time with similar background and experience, to analyze reasons for differences and take appropriate action.
8. Place employment advertising only in media eliminating male and female designations.
9. Work only with employment sources that do not discriminate in their referrals.
10. Broaden and intensify efforts to attract women applicants in technical areas, men in clerical and administrative positions, both in areas where they have not previously been encouraged to seek employment.
11. Include equal opportunity policy statement in orientation publications and films shown to new employees and supervisory training courses.
12. Include nondiscrimination clauses in union contracts and agreements, and work with labor unions on problems such as apprenticeship training programs.
13. Revise and update employee personnel records to make certain the current assignment represents the employee's highest capability, or when this is not true, develop list for future promotion as openings occur.
14. Place new hires in departments where experience and training indicate they should be placed regardless of employee or supervisory reaction.
15. Assign new hires to departments or work areas in a manner that will avoid sex concentration or segregation on the basis of sex.
16. Make certain only valid qualifications and valid testing procedures are established for all jobs.
17. Identify interested and potentially qualified women and men employees and encourage application for specific training programs.
18. Make certain that job vacancies or new openings are known to all employees through job posting, or other means, which clearly indicate the opening, the requirements, and salary, in sufficient time for interested applicants to apply.
19. Carry on a continuing review of promotion and upgrading practices toward achieving equality of opportunity without sex discrimination.
20. Review layoff, termination, and rehiring practices to eliminate sex discrimination.

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